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EXPIRATION DATE:  
December 14, 2003

PERMIT NO:

82-VP  
-32h

SHASTA COUNTY  
AIR QUALITY MANAGEMENT DISTRICT

BURNEY MOUNTAIN POWER  
(Applicant)

IS HEREBY GRANTED A  
**TITLE V OPERATING PERMIT**  
SUBJECT TO CONDITIONS NOTED

RESOURCE RECOVERY SYSTEM  
(Nature of Activity)

AT HIGHWAY 299E AND ENERGY DRIVE, BURNEY, CA 96013

DATE ISSUED: December 14, 1998

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Air Pollution Control  
Officer

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**Equipment List**

1 Each - Zurn Industries Wood-Fired Boiler 1 Each - Ash Reinjection System from Multiclone and Air Heater 1 Each - Three-Field United McGill Electrostatic Precipitator 1 Each - Multiclone Dust Collector 1 Each - Fuel Dryer System
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1 solvent degreasing tank (insignificant emissions source)
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**Emission Limits and Standards**

1. No person shall discharge contaminants from any single source into the atmosphere in amounts greater than those designated below (unless governed by EPA New Source Performance Standard). All emissions are to be measured by methods approved for use by the Air Pollution Control Officer (APCO). Any method approved by the U.S. Environmental Protection Agency (EPA) and/or the California Air Resources Board (CARB) is approved for use by the APCO:
  - a. **Combustion Particulate Matter<sup>1,2</sup>**.....0.10 gr/dscf
  - b. **Particulate Matter Less Than or Equal to 10 in Size<sup>1,2</sup>**.....0.05 gr/dscf

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- c. **All Other Particulate Matter<sup>1,2</sup>**.....0.15 gr/dscf
- d. **Maximum Hourly Particulate Matter (E) as a Function of Process Weight (P<sub>t</sub>) in Tons Per Hour**  
Where E = lbs/hr  
Less Than or Equal to 30 Tons/Hour.....E = 4.1 P<sub>t</sub><sup>.67</sup>
- e. **Oxides of Sulfur (as SO<sub>2</sub>)<sup>1,2,3</sup>**.....300 ppm
- f. **Oxides of Nitrogen (as NO<sub>2</sub>)<sup>1,2,3</sup>**.....250 ppm
- g. **Opacity<sup>4</sup>**  
Ringelmann #2 and/or 40% equivalent opacity pursuant to *California Health and Safety Code* (CHSC), Section 41701

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Footnotes:

- <sup>1</sup> Calculated at standard conditions: 70° F, one atmosphere, dry gas basis.
- <sup>2</sup> When the emissions are generated by a combustion process, the gas volume shall be corrected to 12% CO<sub>2</sub> at standard temperature and pressure.
- <sup>3</sup> The Air Pollution Control Officer may specify an appropriate correction and/or reporting factor depending upon the type of process involved
- <sup>4</sup> This requirement does not apply to smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fuels when the emission result from startup or shutdown of the combustion process or from the malfunction of emission control equipment. However, this exemption does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.

[Shasta County Air Quality Management District (District) Rule 3:2,

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Specific Air Contaminants, 54 FR 14650, 4/12/89, PSD Permit #82-PO-32h, Condition 17]

2. A person shall not discharge more than forty (40) pounds of photochemically reactive solvents into the atmosphere in any one day from any article, machine, equipment, or other contrivance used for employing, applying, evaporating, or drying any photochemically reactive solvent, as defined in District Rule 1:2, or material containing such solvent, unless all photochemically reactive solvents discharged from such article, machine, equipment, or other contrivance have been reduced either by at least 85 percent overall **or** to not more than forty (40) pounds in any one day. The provisions of this condition shall not apply to:
  - a. The spraying or other employment of insecticides, pesticides, or herbicides.
  - b. The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.
  - c. The employment or application of polyester resins or acetone used in a fiberglass reinforced plastics operation.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical groups, i.e., the groups having the least allowable percent of the total of solvents.

No person shall discharge from any device, contrivance, or machine more than forty (40) pounds per day of any photochemically reactive substance other than those described above unless such discharge is controlled to reduce emissions by 85 percent. [District Rule 3:4, Industrial Use of Organic Solvents, 49 FR 47491, 10/3/84]

3. With respect to stack opacity, the provisions of *California State Health and Safety Code* Sections 41701 and 41704 shall apply at all times. [PSD Permit #82-PO-32h, Condition 17]
4. The following emission limitations shall be complied with at all times.
  - a. Particulate matter shall not exceed the following emissions limits:

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- 1) 0.05 gr/dscf at standard temperature and pressure at 12 percent CO<sub>2</sub>
- 2) During start-up of the boiler, the particulate matter concentration shall not exceed 0.1 gr/dscf. A start-up period shall not exceed three (3) hours in duration
- 3) 33 tons per calendar year

Particulate matter emissions shall be analyzed according to the California Air Resources Board's Methods 1-5, (Front + Back halves).

- b. Non-methane hydrocarbons shall not exceed 109 tons per calendar year, as analyzed according to EPA Method 18/25A or equivalent method approved by the Air Pollution Control Officer.
- c. Sulfur dioxide shall not exceed 22 tons per calendar year, or 15 ppm on an hourly average basis, as analyzed according to EPA Method 8.
- d. Oxides of nitrogen shall not exceed the following emissions limits:
  - 1) 139 tons per calendar year, as determined from 24-hour daily average emissions reported in accordance with Condition 23 of this permit
  - 2) 33 pounds per hour, based on a 24-hour daily average, as determined by Continuous Emission Monitor (CEM) data logging device required in Condition 20 of this permit
- e. Carbon monoxide shall not exceed the following emissions limits:
  - 1) 790 tons per calendar year as determined from 24-hour daily average emissions reported in accordance with Condition 23 of this permit
  - 2) When burning wood: 1200 ppm (dry basis, corrected to 12% CO<sub>2</sub>) based on a 24-hour daily average period as determined by CEM data logging device required in Condition 20 of this permit
  - 3) When burning only natural gas: 400 ppm (dry basis corrected to 3% O<sub>2</sub>.), based on a 3-hour averaging period as determined by

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CEM data logging device required in Condition 20 of this permit

[PSD Permit #82-PO-32h, Condition 22]

5. Fugitive emissions, including but not limited to any of the following, shall be controlled at all times such that a public nuisance is not created at any point beyond the plant property line:
- a. Dust from unpaved roads or any other non-vegetation-covered area;
  - b. Fugitive sawdust from fuel-pile areas or fuel-handling devices;
  - c. Char and/or bottom ash which is processed by the char handling system or is removed from the boiler by other means. Such ash shall be stored and disposed of in such a manner so as to not create a public nuisance. All ash shall be transported in a wet condition in covered containers. It shall be the responsibility of the plant owner/operator to insure that any and all contract or company carriers adhere to this condition.
  - d. Fuel dust or ash spilled due to an upset condition shall be cleaned up in a manner and soon enough to avoid causing a nuisance. In no event shall spilled dust or ash be allowed to exist beyond 24 hours of the upset.

[PSD Permit #82-PO-32h, Condition 26]

**OPERATING CONDITIONS**

6. The permittee shall obtain the approval of the APCO prior to using a halogenated solvent in the cold cleaning solvent degreaser. [40 CFR Part 63, Subpart T, MACT Standards for Halogenated Solvent Cleaning Operations]
7. a. Fuels utilized for this facility shall be limited to the following:
- 1) Mill waste (waste wood from wood manufacturing operations)
  - 2) Biomass fuel procured from private lands and public lands that have been harvested in accordance with the State Forest Practice Act or a Management Plan consistent with the National

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Environmental Policy Act

- 3) Hog fuel from clearings from PG&E and public road right-of-ways
  - 4) Hog fuel from land clearings conducted as part of a land development project which has been reviewed and approved by either Shasta County, The City of Anderson, the City of Redding, or the City of Shasta Lake
  - 5) Propane or Natural Gas
  - 6) Olive pits (Up to 5% by weight of total fuel feed)
  - 7) Almond shells (Up to 10% by weight of the total fuel feed)
- b. At least forty-five (45) percent of the fuels utilized for this facility, calculated on an annual basis, shall be non-mill waste derived. The facility operator/owner shall submit records which verify fuel procurement at the time of the annual permit renewal.
- c. Any request for the use of a new fuel type, such as agricultural residues (almond shells, orchard prunings, etc.) or for a change in the maximum percent of a fuel type in the fuel mix must first demonstrate to the satisfaction of the APCO that the change will not cause an increase in any air emission. A written approval for the change must be obtained from the APCO.
- d. The natural gas or propane auxiliary burner shall be used during start-ups and shut-downs to augment combustion stabilization and insure compliance with this permit and the regulations of the District. The auxiliary burner may be used as needed at other times to stabilize combustion, e.g., upsets, breakdowns, etc.
- e. The fuel dryer shall be used at all times when the average fuel moisture is equal to or greater than 50 percent.

[PSD Permit #82-PO-32h, Condition 15]

8. Fuel shall not be charged to the combustion unit at a rate which exceeds 12 tons per hour on a dry basis as determined from daily fuel records. Daily fuel records shall be made available to the District on request and be maintained for a minimum of two (2) years.

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[PSD Permit #82-PO-32h, Condition 16]

9. The following air pollution control equipment shall be used at all times that biomass is used in the combustion process:
- a. char reinjection
  - b. multiclone collector
  - c. electrostatic precipitator
  - d. combustion controls

[PSD Permit #82-PO-32h, Condition 18]



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10. Best available control technology (BACT) for this facility shall be defined as:

a. For particulate matter (when combusting any amount of biomass):

- 1) Char reinjection
- 2) Multiclone collector
- 3) Electrostatic precipitator (minimum three-field unit design)

Note: When burning natural gas only for purposes listed in Condition 7d., Condition 10a. shall be waived.

b. For carbon monoxide, oxides of nitrogen, volatile organic compounds, and sulfur dioxide:

- 1) Control of underfire air
- 2) Control of overfire air
- 3) Control of fuel feed rate
- 4) Control of fuel moisture content
- 5) Control of combustion excess air

The above control technologies shall be used at all times to ensure compliance with the provisions of this permit.

[PSD Permit #82-PO-32h, Condition 19]

11. The project owner/operator shall maintain, calibrate, and operate the following continuous emission monitors at all times when the combustion process is occurring:

- a. Stack gas opacity monitor
- b. Stack gas carbon monoxide monitor
- c. Stack gas oxides of nitrogen monitor

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d. Stack gas flow monitor

These devices shall meet all applicable federal design and quality assurance requirements specified in *Federal Register*, Parts 40 CFR 60.13 and 40 CFR 60, Appendix B, Specifications 1, 2, 3 and 4. The opacity monitor shall have its data recorded on a separate chart. The CEMs shall be connected to a data logging device or chart recorder capable of producing a printout of corrected hourly average and 24-hour daily average emission concentrations and mass emission rates which shall be utilized to report monthly emission data to the District.

[PSD Permit #82-PO-32h, Condition 20; 40 CFR Part 60.48 (a),(b),(c),(e)]

12. The project owner/operator shall maintain and operate the following devices needed to monitor the combustion process:

- a. fuel feed rate
- b. fuel moisture content
- c. percent oxygen in combustion air
- d. combustion temperature (at the superheater tube area)
- e. temperature at inlet/outlet of electrostatic precipitator
- f. steam production rate

[PSD Permit #82-PO-32h, Condition 21]

13. Operation of this facility shall not exceed 8400 hours per calendar year.

[PSD Permit #82-PO-32h, Condition 25]

**Testing, Monitoring and Reporting Requirements**

14. Periodic emission testing shall be required pursuant to District Rule 2:11.a.3.(f). Notification of emission tests shall be provided to the District at least 30 days prior to any compliance testing and an emission test protocol shall be submitted for District approval 15 days prior to emission testing. Results of all stack tests shall be forwarded to the District for compliance verification. An annual emission test shall be performed to demonstrate compliance with the following emission

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limits for emissions of oxides of nitrogen with the facility operating at the maximum permitted firing rate as specified in District Rule 3:26 e.2.:

*When burning wood: either 115 ppmv (dry basis at 12% CO<sub>2</sub>) or 0.15 pounds per million Btu heat input, based on a 3-hour averaging period as determined in accordance with CARB Method 100.*

*When burning natural gas only: either 70 ppmv (dry basis at 3% O<sub>2</sub>) or .084 lbs/MMBTU based on a 3-hour averaging period as determined in accordance with CARB Method 100.*

[PSD Permit #82-PO-32h, Condition 24]

15. The project owner/operator shall submit the continuous emission monitoring reports on a monthly basis. The reports shall be submitted by the 15th day of the month following data recording and shall include:
- a. The total monthly hours of operation and the monthly average heat input in MM Btu/Hr.
  - b. Daily and monthly averages of CO emissions expressed in ppm (dry basis, corrected to 12% CO<sub>2</sub>) and pounds per hour. All periods of inoperation shall be excluded from the averages.
  - c. Daily and monthly averages of NO<sub>x</sub> emissions expressed in ppm (dry basis, corrected to 12% CO<sub>2</sub>) and pounds per hour. All periods of inoperation shall be excluded from the averages.
  - d. Except for periods of grate-cleaning, unavoidable maintenance activities associated with curtailment, or periods not exceeding 30 minutes (in any 24 hour period) during boiler startup and shut down, notification of all periods three minutes and longer in duration when opacity exceeds 40 percent and the reason for the exceedance.
  - e. Notification of all 24-hour daily average periods exceeding 33 pounds per hour of oxides of nitrogen and the reason for the excursion.
  - f. Notification of all 24-hour daily average periods exceeding 1200 ppm (dry basis, corrected to 12 percent CO<sub>2</sub>) of carbon monoxide and the reason for the excursion.

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- g. Notification of all periods the continuous monitors were not functioning and the reasons for the same.
- h. If no permit limitations were exceeded, the report must so state.

[PSD Permit #82-PO-32h, Condition 23; 40 CFR part 60.49b(h)]

- 16. Emissions exceeding any of the limits established in this permit or the level of emissions for which a variance was granted, shall be immediately reported to the APCO:
  - a. For scheduled maintenance of a permitted emission source, notice shall be provided to the APCO at least twenty-four (24) hours prior to shutdown, whether or not an emission exceedance is expected.
  - b. The emission source operator shall notify the APCO within four (4) hours of the occurrence of any excess emission and provide information on the time, duration, cause, and extent of the excess emission. Upon the request of the APCO, a full, written report of each occurrence, including a statement of all known causes and the nature of the actions to be taken pursuant to the requirements of Rule 3:10 or Rule 5 shall be submitted to the District.
  - c. Corrective action shall be taken immediately by the operator of the emission source to correct the conditions causing excessive emissions to reduce the frequency of the occurrence of such conditions. In no event shall equipment be operated in a manner that creates excessive emissions beyond the end of the work shift or twenty-four (24) hours, whichever occurs first.
  - d. An emergency constitutes an affirmative defense to any action brought for non-compliance with technology-based emission limits if:
    - 1) The emission source operator can identify the cause(s) of the emergency
    - 2) The permitted facility was at the time being properly operated
    - 3) During the period of the emergency, the emission source operator took all reasonable steps to minimize levels of excess emission, and

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- 4) The emission source operator submitted notice of the emergency to the APCO in accordance with this condition.

(For the purposes of this condition, emergency shall be as defined in Title 40 of the *Code of Federal Regulations*, Part 70, Section 70.6(g); i.e. "any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency.")

Within two (2) working days of the emergency event, the permittee shall provide the District with a description of the emergency and any mitigating or corrective actions taken. Within two (2) weeks of an emergency event, the responsible official shall submit to the District a properly signed contemporaneous log or other relevant evidence that contains all the information for what constitutes an emergency (as described above in d.1-4 of this condition).

In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred.

- e. An excess emission occurrence may not avoid enforcement action by the APCO if the occurrence is caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- f. Nothing expressed in this Condition shall be construed to limit enforcement authorities under the Federal Clean Air Act.
- g. Excess emissions during start-up and shut-down shall be considered a violation (except as allowed by Title 40 of the *Code of Federal Regulations*, Part 60, Section 60.8(c)) if the owner or operator cannot demonstrate that the excess emissions are unavoidable when requested to do so by the APCO. The APCO may specify for a particular source the amount, time, duration, and under what circumstances excess emissions are allowed during start-up or shut-down. The owner or operator shall, to the extent practicable, operate the emission source and any associated air pollution control equipment or monitoring equipment in a manner consistent with best practicable air pollution control practices to minimize emissions during start-up and shut-down. [District Rule 3:10,

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Excess Emissions; District Rule 5]

17. The permittee shall report any deviation from permit requirements in this Title V Operating Permit, other than emergency events, to the APCO via phone or Fax within 96 hours of the occurrence. A report using District approved forms, for each deviation from the permit requirement shall be prepared by the permittee if requested by the APCO within two (2) weeks after the initial detection of the deviation. Unless requested earlier by the APCO, these reports shall be submitted to the APCO as part of the permittee's semiannual monitoring report. [District Rule 5]
18. The permittee shall submit a written monitoring report to the APCO every six months. The reporting periods shall be (December 14 through June 13 and June 14 through December 13). These reports shall be submitted within 45 days of the end of each reporting period. When no deviations have occurred for the reporting period, such information shall be stated in the report. The monitoring report shall include at a minimum:
  - a. A report for each deviation from a permit requirement that occurred during the reporting period, including emergency events. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken. The permittee shall use District approved forms to report each deviation from permit requirements.
  - b. Results from any emission testing done during the reporting period
  - c. A Certification Report form (Form 5-J1), which includes a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report. [District Rule 5]
19. The permittee shall submit compliance certification reports to the U.S. EPA and the APCO every twelve months. The report shall be submitted before the permit renewal date. The permittee shall use District approved forms for the compliance certification and shall also include a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report. [District Rule 5]
20. The permittee shall test for the particulate emissions limits specified in Condition 11 upon the request of the APCO. If testing is conducted, the permittee shall conduct the test in accordance with the methodologies contained in CARB Methods 1 through 5 or subsequent or

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approved alternative methods. [District Rule 5]

21. The permittee shall test for the sulfur oxide limits specified in Condition 11 upon the request of the APCO. If testing is conducted, the permittee shall conduct the test in accordance with the methodology contained in CARB Method 100, U.S. EPA Method 6, or subsequent or approved alternative method. [District Rule 5]
22. The permittee shall continuously employ at least one staff person at the facility site who maintains certification by the California Air Resources Board as a Visible Emission Evaluator capable of accurately discerning stack opacity. The permittee shall test for the opacity emissions limits specified in Condition Nos. 1 and 6 upon the request of the APCO. If testing is conducted, the permittee shall conduct the test in accordance with the methodology contained in Reference Method 9 in Appendix of 40 CFR Part 60 or subsequent or approved alternative method, and the averaging times specified in Condition Nos. 1 and 6.

[PSD Permit #82-PO-32h, Condition 27; District Rule 5]

23. Records of all monitoring and support information shall include the following: 1) date, place, and time of measurement or monitoring equipment maintenance activity; 2) operating conditions at the time of measurement or monitoring equipment maintenance activity; 3) date, place, name of company or entity that performed the measurement or monitoring equipment maintenance activity and the methods used; and 4) results of the measurement or monitoring equipment maintenance. All monitoring and support information shall be retained for at least five years from date of collection, measurement, report, or application. [District Rule 5]
24. The owner or operator shall provide written notification of any physical or operational change to the facility that may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR Part 60.14(e). This notice shall be post marked 60 days or as soon as practical before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The District may request additional information subsequent to this notice. [40 CFR Part 60.7(a)4]

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25. The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements, all continuous monitoring system performance evaluations, all continuous monitoring system or monitoring device calibration checks, adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 years following the date of such measurements, maintenance, reports and records. [40 CFR Part 60.7(e), District Rule 5]
26. The permittee shall provide the APCO at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the District the opportunity to have an observer present.  
[40 CFR Part 60.8(d)]
27. The permittee shall provide or cause to be provided, testing facilities as follows:
  - a. Sampling ports adequate for test methods applicable to such facility. This includes:
    - 1) Constructing the air pollution control system such that volumetric flow rates and pollution emission rates can be accurately determined by applicable test methods and procedures and,



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- 2) Providing stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

- b. Safe sampling platform(s).
- c. Safe access to sampling platform(s).
- d. Utilities for sampling and testing equipment.

[40 CFR Part 60.8.e]

28. An annual Relative Accuracy Test Audit (RATA) shall be performed on the carbon monoxide and oxides of nitrogen monitors in accordance with 40 CFR 60, Appendix B and Appendix F. [40 CFR Part 60]
29. The span value for the continuous measuring system for measuring opacity shall be between 60 and 80 percent. [40 CFR Part 60.48b((e)(1))]
30. When nitrogen oxides emission data are not obtained because of continuous monitoring system breakdown, repairs, calibration checks and zero and span adjustments, emission data shall be obtained by using standby monitoring systems, Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating operating days. [40 CFR Part 60.48b((f),(g))]
31. The owner or operator shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for each calendar quarter. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each month. [40 CFR Part 60.49b(d)]

**STANDARD CONDITIONS**

32. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. [40 CFR Part 60.11(d)]

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33. The permittee shall comply with all permit conditions of this Title V operating permit. [District Rule 5]
34. The permit does not convey property rights or exclusive privilege of any sort. [District Rule 5]
35. The non-compliance with any permit condition herein is grounds for Title V Operating Permit and District Permit to Operate termination, revocation, modification, enforcement action, or denial of permit renewal. [District Rule 5]
36. This permit may be modified, revoked, reopened and reissued, or terminated for cause as determined by the District. [District Rule 5]
37. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [District Rule 5]
38. A pending permit action or notification of anticipated non-compliance does not stay any permit condition. [District Rule 5]
39. Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining: 1) Compliance with the permit, or 2) Whether cause exists for a permit or enforcement action. [District Rule 5]
40. Any person who is building, erecting, altering, or replacing any article, machine, equipment or other contrivance, or multi-component system including same, portable or stationary and who is not exempt under Section 42310 of the *California Health and Safety Code*, the use of which may cause the issuance of air contaminants, shall first obtain written authority for such construction from the APCO. [District Rule 2:1A, Permits Required 54 FR 26381, 6/18/82]
41. Before any article, machine, equipment or other contrivance, or multi-component system including same, portable or stationary, not exempt under Section 42310 of the *California Health and Safety Code*, the use of which may cause the issuance of air contaminants, may be operated or used, a written permit shall be obtained from the APCO. [District Rule 2:1A]
42. Where an application for or issuance of a permit is pending or in the

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event of an emergency occurring as a result of an excusable malfunction of a device under permit, the APCO may authorize the operation of the article, machine, equipment, device, or other contrivance or multi-component system for which a permit is sought for periods of time not to exceed sixty (60) days each for the purpose of testing, experimentation, or obtaining necessary data for a permit or correcting

a malfunction. No fee or application will be required for such authorization. [District Rule 2:1A]

43. No person shall willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate any article, machine, equipment, or other contrivance. [District Rule 2:21, Defacing Permit, 37 FR 19812, 9/22/72 (current Rule 2:24)]
44. A person who has been granted a Permit to Operate as described in District Rule 2:1A.b. shall firmly affix such permit, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises. [District Rule 2:23, Posting of Permit to Operate, 54 FR 14650, 9/22/72]
45. All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution that any article, machine, equipment, or other contrivance will produce and that any air pollution control district or any other state or local agency or District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records. [District Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]
46. All air or other pollution monitoring data, including data compiled from stationary sources, are public records. [District Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]
47. Except as otherwise provided in Condition #48 (below), trade secrets are

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not public records under this Condition. As used in this Condition, "trade secrets" may include (but are not limited to) any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:

- a. Is not patented,
- b. Is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, **and**
- c. Gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. [District Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

- 48. Notwithstanding any other provision of law, all air pollution emission data, including those emission data that constitute trade secrets as defined in subdivision c, are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision, and data that constitute trade secrets and that are used to calculate emission data are not public records. [District Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]
- 49. Pursuant to District Rule 2:16, the APCO may revoke an existing Authority to Construct and/or Permit to Operate if the applicant and/or permittee violates the conditions of such permit as specified by the APCO. The APCO may reinstate the permit at such time as the applicant and/or permittee shows that the condition(s) previously violated are now being attained. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation that resulted from the failure to meet any permit condition as specified by the APCO. [District Rule 2:26, Revocation of Permit, 54 FR 14650, 4/12/89]
- 50. Each and every provision of Federal or State law or applicable Air Basin Plan now or hereinafter enacted or as amended that regulates the discharge of any air contaminants is incorporated here by reference. Where such provisions conflict with local rules and regulations, the more restrictive provisions shall apply. [District Rule 3:1, Applicability of State Laws, 42 FR 42223, 8/22/77]
- 51. The Regional Administrator of U.S. Environmental Protection Agency, the Executive Officer of the California Air Resources Board, the Air Pollution Control Officer, or their authorized representatives, upon the

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presentation of credentials, shall be permitted to enter upon the premises:

- a. To inspect the stationary source, including equipment, work practices, operations, and emission-related activity; and
- b. To inspect and duplicate records required by this Permit to Operate; and
- c. To sample substances or monitor emissions from the source or other parameters to assure compliance with the permit or applicable requirements. Monitoring of emissions can include source testing. [District Rule 5]

52. The provisions of this Title V Operating Permit are severable, and, if any provision of this Permit is held invalid, the remainder of this Permit to Operate shall not be affected thereby. [District Rule 5]
53. This Operating Permit shall become invalid five years from the date of issuance. Burney Mountain Power shall apply for renewal of this permit no earlier than 6 months before the date of expiration. Upon submittal of a timely and complete renewal application, this Operating Permit shall remain in effect until the APCO issues or denies the renewal application. [District Rule 5]
54. The permittee shall remit the Title V supplemental annual fee to the district in a timely basis. Failure to remit fees on a timely basis is grounds for forfeiture of this Operating Permit and the District Permit to Operate. Operation without a permit to operate subjects the source to potential enforcement action by the District and the U.S. EPA pursuant to section 502(a) of the Clean Air Act. [District Rule 5]
55. Persons performing maintenance, service, repair or disposal of appliances using CFC's, HCFC's, or other ozone-depleting substances must be certified by an approved technician certification program. [40 CFR Part 82.161, Stratospheric Ozone Protection]
56. Persons opening appliances using CFC's, HCFC's or other ozone depleting substances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156. [40 CFR 82.156, Stratospheric Ozone Protection]

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57. Equipment used during the maintenance, service, repair, or disposal of appliances using CFC's, HCFC's or ozone-depleting substances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158. [40 CFR 82.158, Stratospheric Ozone Protection]
58. No person shall build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation. [District Rule 3:6, Circumvention, 42 FR 42223, 8/22/77, 40 CFR Part 60.12]
59. This permit is not transferable from either one location to another, one piece of equipment to another, or from one person to another. [District Rule 2:21, 40 CFR 70.7(d)(1)]